

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13680, of the Baptist Home of the District of Columbia, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 for modification and further development of the approved American University Campus Plan to use the subject premises for a University dormitory and adjunct health services in an R-1-B District at the premises 3700 Nebraska Avenue, N. W., (Square 1599, Lot 812).

HEARING DATE: February 17, 1982

DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District at 3700 Nebraska Avenue, N. W., in the northwest quadrant of Ward Circle. The property is a through lot, also having frontage on 44th Street at the rear.
2. The plat submitted with the application, marked as Exhibit No. 2 of the record, identified lot 809 as the subject property. At the public hearing, the applicant submitted a revised plat, marked as Exhibit No. 41 of the record, which identified the subject property as lot 812. The changes resulted from a minor resubdivision.
3. The subject property is located to the north and east of the Leonard Center of The American University which fronts on Massachusetts Avenue. One single family home abuts the subject property to the south and west. Across 44th Street to the west is a single family residential neighborhood know as the Fort Gaines area. To the north of the subject property is the Temple Baptist Church whose parking lot abuts the site. To the east, the site is bounded by a forty foot strip of property owned by the National Park Service. Nebraska Avenue abuts the National Park Service strip to the east. Across Nebraska Avenue to the east is the Naval Communications Center. The main campus of The American University lies to the south and west across Massachusetts Avenue.
4. The subject property is improved with a three story brick building with a full basement. The building was built by the Baptist Home of the District of Columbia in the early 1960's to house approximately 100 elderly persons in a

residential environment and to provide convalescent health care facilities. The 48,418 square foot building contains convalescent health care facilities, dining room, kitchen, common lobby and living areas, offices and storage areas. There are thirty-four single rooms and thirty double rooms on the second and third floors. The rooms contain a toilet and lavatory with community showers along the halls on each floor. There are one apartment unit and three double rooms on the ground floor.

5. The subject property has been used by the Baptist Home of the District of Columbia since 1965 as a nursing home and convalescent facility. Approximately 100 residents could be accommodated in the building, and fifty-seven employees operated the facility. The Baptist Home facility was built after approval by the Board of Zoning Adjustment in BZA Case No. 5376, by order dated February 13, 1959. In approving the application, the Board found the building would function as a buffer between the residential Fort Gaines neighborhood and Nebraska Avenue and the Naval Communications Center.

6. The Home was closed for financial reasons in September, 1981. The home is now vacant as all former residents have been moved to other facilities.

7. The subject property also contains parking spaces for twenty-four cars and a turnaround drive in front of the main entrance of the building on Nebraska Avenue. The only vehicular access to the site is from Nebraska Avenue by way of special use permit agreement with the National Park Service.

8. The American University Campus Plan was approved by this Board in BZA Case No. 11646, order dated September 3, 1974. The only construction undertaken by the University in accordance with the approved 1974 Master Plan has been the addition of the University library on the south end of the campus mall. The remainder of the work has been landscape improvements, interior building remodeling and the addition of a satellite ground terminal to the Communications Center.

9. The University proposes to use the subject property as a dormitory for approximately 100 students, a student health center and support offices associated with operating the facility. The University proposes to add the subject property to its approved Campus Plan.

10. The existing residential rooms will adapt to dormitory use with no modification. The common areas on the first floor are also adaptable to the needs of a dormitory for a study, lounge and reception area. The convalescent care facilities are easily adaptable to the needs of the

student health center. The kitchen will not be operated for meal preparation. The proposed use as a dormitory and student health center will continue the original use as a residential building with associated health care facilities. The number of students who will live in the building will not exceed Code limitations. Access from Nebraska Avenue would remain unchanged.

11. The American University has experienced a severe housing shortage due to condominium/cooperative conversions in many nearby apartment complexes which formerly housed students. In 1981, applications for dormitory rooms exceeded the available supply by approximately 700. The lack of low-interest government loans combined with the existing financial markets have prevented the University from building new dormitories.

12. The University plans no modifications to the building's exterior except to build a stair tower on the southeast wing facing Nebraska Avenue as required by the Building and Fire Codes to meet required exit capacities. No additional construction is proposed for the site and no expansion of the existing building is proposed in the subject application.

13. The health center will operate from 9:00 A.M. to 5:00 P.M., Monday through Friday, and 10:00 A.M. to 1:00 P.M. on Saturday. It is currently located in the main campus in space that is inadequate.

14. The University has proposed to place a barrier between the twenty-four car parking area on the subject lot and the adjoining parking lot of the Temple Baptist Church. The two lots are presently connected. The University will further install a gate operated by a card at the entrance to the lot, to limit access to appropriate users. The lot will be reserved for parking for University employees. It will supplement those spaces already included in the approved campus plan.

15. Students who live in the building will be prohibited from registering a vehicle with the University and from operating or parking that vehicle on the campus. Such prohibitions will be included in the lease with students.

16. Service access to the building will be from the Nebraska Avenue entrance. The service entrance to the building is on the northeast side of the building. The only service to be done from the 44th Street side is the delivery of oil. The building's oil tanks are located on that side of the building.

17. The only entrances to the building will be the main entrance and the service entrance which both face Nebraska Avenue. All other doors will be designated as emergency exits only, and will be locked and connected to alarms.

18. The University will install double glazed storm windows on all windows for energy conservation and noise reduction purposes. Windows will generally be left closed and locked, and will be under the control of the building management.

19. The University's architect and planner, Mr. Avery Faulkner, testified that the proposed use will not cause any adverse impact on the use of neighboring property, particularly in view of the University's commitments regarding use and operation of the property, as set forth in Findings No. 15 through 18. Mr. Faulkner also testified that use of the Baptist Home as a University dormitory will continue to maintain the building's function as a buffer between the Fort Gaines neighborhood and Nebraska Avenue and the Naval Communications Center.

20. The addition of the property to the campus plan area and its use as a dormitory and student health center will not add measurable traffic to the street system. The location of 100 additional students in on-campus housing reduces the number of students who must commute to and from campus activities from off-campus housing. The addition of twenty-four parking spaces is a small increase, but provides additional capacity to relieve the strain on neighborhood streets.

21. The Office of Planning and Development by memorandum dated February 12, 1982, and by testimony at the hearing, recommended that the application be approved subject to installation of the cable barrier at the north end of the parking lot and a gate limiting use of the parking lot to University employees. The OPD stated that the proposed use of the subject property is generally similar to that for which it was designed, with the exception that it would now be used by students rather than the elderly. The Office of Planning and Development recommended inclusion of the subject property in The American University Campus Plan and found that its use as a dormitory and student health center is "not likely to become objectionable to neighboring property because of traffic, noise, number of students or other objectionable conditions." The Board so finds.

22. The District of Columbia Department of Transportation, by memorandum dated December 30, 1981, addressed the transportation elements of the application. The Department of Transportation found the project would

have a positive impact on traffic, by eliminating thirty to thirty-five vehicle trips per day. The Department of Transportation also recommended that the twenty-four car parking lot be reserved for bicycle and motorcycle racks. By verbal report through the Office of Planning and Development at the public hearing, and subsequently by memorandum dated February 22, 1982, the Department of Transportation modified its December 30th report to eliminate the recommendation regarding use of the parking lot for bicycle and motorcycle racks and recommended instead that the parking lot be reserved for visitors.

23. The Board finds that the Department's withdrawal of its recommendation regarding the bicycle and motorcycle racks is consistent with protection of the nearby residential area. The Board finds that the use of the lot by University staff rather than visitors will reduce the flow of traffic to the parking lot and permit the University to control the lot, thus reducing neighborhood impacts. The parking lot should be used for University employees, which will free other parking areas on the campus for visitor parking.

24. Advisory Neighborhood Commission 3E, by letter of February 12, 1982, stated that the ANC voted not to object to the application, provide that the University keep its commitments regarding use and management of the building as set forth in a letter dated February 2, 1982 to the Fort Gaines neighbors. The ANC was concerned about the long-term use and development of the subject property, and suggested that the Board consider imposing a moratorium on developing the site into large-scale student housing. The ANC was further concerned about the manner in which the proposed dormitory would be run, so as to avoid adverse impacts on the adjoining residences.

25. The American University Park Citizens Association, by letter dated February 10, 1982, supported the application. The Citizens Association's support was predicated upon the University's commitments regarding use and management of the facility as set forth in the letter dated February 2, 1982 to the Fort Gaines neighbors.

26. The Spring Valley-Wesley Heights Citizens' Association, by letter dated November 19, 1981, supported the application, noting that it believes the dormitory use is the best use of the building at this time as it will continue substantially the same uses as are found currently in the building, thus resulting in no adverse neighborhood impact.

27. The application was opposed by the owners and residents of the houses located on Sedgwick, Springdale, Tindall and Upton Streets between 44th and 45th Streets,

N. W. That area is known as the Fort Gaines area, and is immediately adjacent to the subject property. The application was also opposed by the Fort Gaines Citizens Association. The opposition was based on the following grounds:

- a. Once it owned the property and had it included in the campus plan, the University would propose more intensive, high-rise development of the site, to the detriment of the adjoining residential community.
- b. The use of the property as a dormitory for 100 students would cause objectionable noise to surrounding properties. The characteristics of students are such that noise would emanate from the building, which would be especially objectionable during evening and night hours.
- c. Persons at the Leonard Center already cause trash to accumulate in the rear yards of the houses which adjoin the Center. The dormitory would bring additional students into the area, and would cause more trash to accumulate in the area.
- d. The traffic and parking congestion in the area would be increased.

28. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. As to those issues and concerns, as well as the issues raised by the Fort Gaines residents in opposition, the Board finds as follows:

- a. The present application seeks only approval to use the existing building as a dormitory and student health center. The only new construction proposed is the addition of a stair tower, as set forth in Finding of Fact No. 12. The Board in approving the application will approve only what is requested. Any further construction would require the filing of a new application with and the holding of a new public hearing by the Board.
- b. The Board cannot impose a moratorium on development of the subject site. If owned by a private individual, it can be used for any use permitted as a matter-of-right in an R-1-B District; i.e., a single family dwelling, church, public school or other use set forth in Sub-section 3101.3 of the Regulations. As approved for college or university use herein, it can be used only for such purpose and in such manner as set forth by this Board in this order.

- c. The allegations of the surrounding neighbors as to increased noise, trash, traffic and parking congestion are general unsupported fears. The plans for use of the property as set forth by the University are such that the presence of the proposed use cannot be shown to likely have an objectionable effect on the area. The location of entrances, provision of storm windows to insulate against sound, the ban on car ownership and the location of service access all combine to reduce potential adverse effects. The further experience of the University in renting dormitory space at 4300 Nebraska Avenue evidences that dormitory use is not objectionable or incompatible with residential areas.
- d. The use of the existing building is not unwarranted expansion into a residential area. The site is bounded on one side by University owned property. The access to the site is from Nebraska Avenue and not from the residential area. The site is bounded on other sides by a church and a government facility.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.46 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied.

The Board concludes that the proposed dormitory and student health center are not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions and that the proposed use will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map, particularly in view of the University's commitments as to use and management of the facility. The Board concludes that the proposal is not an unreasonable expansion into an improved low density district because it involves reuse, in largely the same manner, as the previous use of an existing structure.

The Board concludes that it has accorded to the ANC "the"great weight" to which it is entitled. The Board further concludes that as conditioned herein, the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It

is therefore ordered that the application is GRANTED,  
SUBJECT to the following CONDITIONS:

1. The building shall be used to house no more than 100 students, the student health center and support offices associated with operating the facility. The University shall offer the dormitory space first seniors who have been excluded from other housing and then to graduate and law students. The University lease with all students occupying the facility shall prohibit those students from registration and operation of a vehicle on campus. The kitchen shall not be used on a regular basis. The dormitory may also be used to house attendees to seminars and other continuing education functions.
2. The twenty-four on-site parking spaces shall be reserved for faculty and University employees only. A cable barrier shall be installed at the northern boundary of the parking lot with the Temple Baptist Church property and a gate shall be placed at the entrance to the lot.
3. The University shall install double-glazed storm windows on the inside of the building.
4. The existing main entrance to the building located on the Nebraska Avenue side of the building shall continue to be used as the only access to assure flow of residents away from the Fort Gaines Neighborhood. All entrances facing Sedgewick and 44th Streets shall be locked and alarmed and shall be used only as emergency exists.
5. The building shall not be serviced, including trash from Sedgewick and 44th Streets with the exception of necessary fuel oil deliveries. The University shall also investigate the feasibility of delivering fuel oil from the University property to the south.
6. The property shall receive the same regular maintenance and landscaping services afforded other campus grounds. The stockade fence at the west end of the building near the entrance to the existing kitchen shall be removed.
7. No modifications to the building's exterior shall be permitted except to build a stair tower on the southeast wing facing Nebraska Avenue to meet required District of Columbia building and fire codes.



- 8, Approval shall be coterminous with the period of approval granted to the University for its main campus plan as set forth in BZA Order No. 11646.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Charles R. Norris to GRANT; Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAY 24 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.